

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 05-73633

BOBBIE JOHNSON, and
JACQUELINE JOHNSON,

Chapter 7

Judge Thomas J. Tucker

Debtors.

ORDER DENYING DISCHARGE IN A CHAPTER 7 CASE

On June 22, 2009, the Court entered an “Order to Show Cause Why Debtors are Entitled to a Discharge,” requiring the Debtors to appear and show cause why the debtors are entitled to discharge in view of 11 U.S.C. § 727(a)(8).¹ The Court held a hearing on this matter on July 1, 2009. The Debtors failed to appear at the hearing, either in person or through counsel. At the hearing, the Court determined that neither of the Debtors is entitled to a discharge in view of 11 U.S.C. § 727(a)(8), because Debtors each received a Chapter 7 discharge in a case commenced within 6 years before the date of the filing of the petition for relief in this case.² Accordingly,

IT IS ORDERED that the discharge of each of the Debtors is DENIED.

IT IS FURTHER ORDERED that, consistent with 11 U.S.C. §§ 362 (a) and 362(c)(1), the automatic stay under § 362(a) continues with respect to any act against property of the estate, until such property is no longer property of the estate; or until such stay terminates under some other provision of the Bankruptcy Code; or until the Court orders otherwise.

IT IS FURTHER ORDERED that, consistent with 11 U.S.C. §§ 362 (a) and 362(c)(2)(C), the automatic stay under § 362(a) of any act other than an act against property of the estate is terminated.

¹ Citations to the Bankruptcy Code in this Order are to the Code before it was amended by the “Bankruptcy Abuse Prevention and Consumer Protection Act of 2005” (“BAPCPA”), because this case was filed before October 17, 2005, the generally-effective date of BAPCPA. Under the pre-BAPCPA version of 11 U.S.C. § 727(a)(8), which was in effect when the present case was filed, the Court cannot grant a debtor a Chapter 7 discharge if the debtor has been granted a discharge in a Chapter 7 case commenced within 6 years before filing this case.

² Debtors each received a Chapter 7 discharge in Case No. 01-61850 on April 8, 2002. That case was filed in this Court on November 9, 2001. The present case was filed on September 29, 2005.

Signed on July 01, 2009

/s/ Thomas J. Tucker
Thomas J. Tucker
United States Bankruptcy Judge